

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 56981

Lawrence E. Brogan  
Christine A. Brogan

2484 Keyway

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on April 8, 2009, for a hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-112, 115, 310 (2) failure to remove bird seed and other food for rats, failure to remove feces from rear yard on residential property known as 2484 Keyway, 21222.

On March 11, 2009, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: the Respondent, Lawrence Brogan and Buc Thompson, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued on March 11, 2009 without a prior Correction Notice because a Citation was issued for a similar violation on September 24, 2008. That case was closed after Respondent brought the property into compliance with code requirements. Consistent with County Code and departmental policy, a Correction Notice is not required for repeat violations within the year or consecutive years.

B. The Citation was issued for failure to remove bird seed and other food for rats, and failure to remove dog feces from the back yard. Photographs in the file show a significant quantity of bird seed, peanuts, and dog feces. Inspector Thompson testified that re-inspection on April 7, 2009 found the dog feces cleaned up, but significant bird seed and peanut shells remaining.

C. Respondent Brogan testified that birds come and eat all of the birdseed and do not leave food for rats. Respondent Brogan showed the Hearing Officer a video of a flock of pigeons feeding on the rear sidewalk. Inspector Thompson testified that when he inspected and photographed the pile of birdseed on the walk, there was no flock of birds present and he did not disturb a feeding flock. Respondent Brogan acknowledged that any food not immediately eaten by birds, including peanut shells, should be swept up and removed, to avoid contributing to rat infestation.

D. Removal of food sources for rats is important to protect Respondent's neighborhood. County law is very specific about animal and bird feed. County Code Section 13-7-310 provides, (1) Animal and bird feed that may become a food source for rodents shall be stored in covered rat-proof containers, and (2) A person may not feed animals or birds in a manner that the food constitutes a source of rodent food. By leaving bird seed and peanut shells unattended on the ground and sidewalk, Respondent has violated this law and is providing food for rats. A civil penalty of up to \$500.00 per day can be imposed for violations. Because compliance is the goal of code enforcement, the civil penalty will be reduced significantly if the property is found to be in compliance when it is re-inspected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the property is found to be in compliance, with all uneaten bird seed and discarded peanut shells picked up, when it is re-inspected by the County. If the Respondent fails to correct the violations, the full \$500.00 civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14<sup>th</sup> day of April 2009

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this Order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.